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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY HUTCHINSON,

Defendant and Appellant.

B303384

Los Angeles County  
Super. Ct. No. BA315200

APPEAL from a judgment of the Superior Court of Los Angeles County, William N. Sterling, Judge. Dismissed.

Lenore De Vita, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury convicted defendant and appellant Anthony Hutchinson of second degree murder. The jury also found true the allegations that a principal personally and intentionally discharged a firearm (Pen. Code, § 12022.53, subds. (b) & (c))<sup>1</sup> and that the offense was committed for the benefit of a criminal street gang (§ 186.22, subd. (b)(1)(A)). The trial court sentenced Hutchinson to an indeterminate term of 15 years to life for the murder conviction, plus a determinate term of 20 years for one of the firearm enhancements (§ 12022.53, subd. (c)).<sup>2</sup>

In 2019, Hutchinson filed a petition for resentencing under section 1170.95. The People filed an opposition to the petition, and counsel for Hutchinson filed a reply to the People's opposition. The People filed a supplemental brief arguing section 1170.95 is unconstitutional, and Hutchinson's attorney filed a reply to the People's supplemental brief. Hutchinson signed a waiver of personal appearance for the in-court hearing.

At the hearing, the court denied the petition, concluding Hutchinson failed to make a prima facie showing of entitlement to relief. In denying the petition, the court noted the jury convicted Hutchinson on the theory that he was a direct aider and abettor, the jury did not convict him under a felony-murder or natural and probable consequences theory of liability, and the jury was not instructed on either of those theories.

Hutchinson filed a timely notice of appeal, and we appointed counsel to represent him. On June 23, 2020, appellate

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1 All undesignated statutory references are to the Penal Code.

2 The court did not impose additional time for the other firearm allegation or for the gang allegation.

counsel filed a brief raising no issues and asking us to review the record independently for arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.) Hutchinson did not respond to our letter advising him of his right to file supplemental briefing. We have no independent duty to review the record for reasonably arguable issues. (*People v. Cole* (2020) 52 Cal.App.5th 1023, 1028, 1039-1040, review granted Oct. 14, 2020, S264278.) We therefore dismiss Hutchinson’s appeal as abandoned. (*Ibid.*)

### **DISPOSITION**

The appeal is dismissed.

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CURREY, J.

We concur:

MANELLA, P.J.

COLLINS, J.